



MINUTES OF THE HEARING ON THE PETITION
FOR A SPECIAL PERMIT, 626 MASSACHUSETTS AVENUE

HEARING #15-02

A public hearing of the Acton Board of Appeals was held on Monday, January 5, 2015, at 7:30 pm on the petition of Mark Enneguess for a **SPECIAL PERMIT** under Section 8.1.5 of the Zoning By-law to allow the construction of an addition on a non-conforming lot that will increase the size of the structure by more than 15%. The structure is located at 626 Massachusetts Avenue. Map F2A/ Parcel 73.

Present at the hearing were the following individuals: Jon Wagner, Chairman; Richard Fallon, Clerk; Adam Hoffman, Alternate Member; Scott Mutch, Zoning Enforcement Officer & Assistant Town Planner; Cheryl Frazier, Board of Appeals Secretary; Mark Enneguess, petitioner; Cynthia Nelson, subject property owner, and Lisa Fredericks, abutting party in interest.

Jon Wagner opened the hearing, read the contents of the file which included interdepartmental communications from the Engineering Department and Zoning Enforcement Officer and Assistant Town Planner.

The petitioner, Mark Enneguess, is requesting a Special Permit under Section 8.1.5 of the Zoning By-law in order to allow for the partial reconstruction and expansion of an existing single family residential dwelling located on a non-conforming lot. The subject property is located within an R-2 Zoning District and is non-conforming due to insufficient lot frontage (90'-0") and lot area (13,500 ft²). Section 8.1.4 of the Zoning Bylaw permits an addition on non-conforming lots up to 15% permitted by right which equates to 349 square feet. The overall proposed new square footage is 732 square feet, which is in excess of the 15% permitted as-of-right under Section 8.1.4 of the Zoning Bylaw.

The proposed scope of work includes the construction of a new breezeway and garage, and when completed, will not be substantially more detrimental to the surrounding neighborhood than the existing structure. The proposed scope of work is necessary due to a failing foundation, which presents significant life safety issues, in addition to the homeowner's inability to renew the home's insurance policy. The size of the rebuilt structure will be 3'-0" wider and 4'-0" greater in depth than the current structure. The proposed structure will comply with all setbacks as indicated on the plot plan.

Mr. Enneguess mentioned that he came up with different calculations than what was in the ZEO's memo. He stated that there was a discrepancy between the architectural dimensioned drawings and the plot plan which showed the proposed addition. The plot plan identified the depth of the proposed addition as being 30'-0" (3'-6" deeper), while the architectural drawings indicated a depth of only 26'-6". Mr. Enneguess stated that the 26'-6" depth shown on the architectural plans was indeed the correct and accurate dimension. The new proposed structure will be 3'-0" wider and 4'-0" deeper than the existing structure. Based upon this revised information, the additional proposed square footage is actually 630 square feet, 287 square feet above and beyond the 15% permitted by-right. Rick asked about the height. Mr. Enneguess said it will be the same height as currently exists and have the same roofline. The existing

deck and screened porch at the rear of the dwelling will be taken down and not replaced. Jon asked what outside material would be used on the house. Mark said they would be using vinyl siding to match the existing aluminum siding that is on the existing dwelling. Jon asked if the door and windows would be the same. Mark said they will be using a single window on the front façade and a double window in the breezeway on the rear facade.

Adam Hoffman moved to close the hearing. Rick Fallon seconded.

The Board voted unanimously to **GRANT** the **SPECIAL PERMIT** for Hearing #15-02 for 626 Massachusetts Avenue with following conditions:

- The proposed addition shall be consistent with the plans submitted, except that the depth of the addition shall be 26'-6" and consistent in height and style with the existing structure and sided with vinyl siding;
- The proposed stairs located on the rear of the dwelling shall be constructed in compliance with all applicable laws and subject to the Zoning Enforcement Officer's approval.

Rick Fallon to write.

Respectfully submitted,

Jonathan Wagner
Chairman, Board of Appeals

Cheryl Frazier
Secretary, Board of Appeals